

**QUINN EMANUEL URQUHART & SULLIVAN, LLP**

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*Attorneys for Catherine DeFrancesco*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, Individually and on	:	
behalf of all others similarly situated,	:	Civil Action No. 3:18-02293 (FLW) (TJB)
	:	
<i>Plaintiff,</i>	:	<b>NOTICE OF MOTION TO DISMISS</b>
	:	<b>THE CONSOLIDATED SECOND</b>
v.	:	<b>AMENDED CLASS ACTION</b>
	:	<b>COMPLAINT</b>
RIOT BLOCKCHAIN, INC. f/k/a BIOPTIX,	:	
INC., JOHN O'ROURKE, JEFFREY	:	MOTION DAY: May 3, 2021
MCGONEGAL, BARRY HONIG,	:	
CATHERINE DEFRANCESCO, MICHAEL	:	<i>ORAL ARGUMENT REQUESTED</i>
BEEGHLEY, JOHN STETSON, MARK	:	
GROSSMAN, ANDREW KAPLAN, MIKE	:	
DAI, JASON LES and ERIC SO,	:	
	:	
<i>Defendants.</i>	:	

**PLEASE TAKE NOTICE** that on May 3, 2021, or as soon as the Court deems appropriate, Defendant Catherine DeFrancesco will appear before the Honorable Freda L. Wolfson, U.S.D.J., at the United States District Court for the District of New Jersey, 402 State Street, Courtroom 5E, Trenton, New Jersey, and will move this Court, pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b), and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4, *et*

*seq.*, for an Order dismissing Lead Plaintiff's Consolidated Second Amended Class Action Complaint as to Ms. DeFrancesco.

**PLEASE TAKE FURTHER NOTICE** that Ms. DeFrancesco shall rely upon the accompanying Memorandum of Law in Support and all papers submitted herewith.

**PLEASE TAKE FURTHER NOTICE** that a proposed order is also submitted for the Court's consideration.

DATED: New York, New York  
February 8, 2021

Respectfully submitted,

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

By: /s/ JACLYN M. PALMERSON

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